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July 15, 2013

VIA ELECTRONIC & US MAIL

Ms. Stephanie Vaughn
ATTN: Lower Passaic River Remedial Project Manager
Emergency and Remedial Response Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

**Re: Monthly Progress Report No. 10 – June 2013
Lower Passaic River Study Area (LPRSA)
River Mile 10.9 Removal Action
CERCLA Docket No. 02-2012-2015**

Dear Ms. Vaughn:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on behalf of the Cooperating Parties Group (CPG) pursuant to the Administrative Settlement Agreement and Order on Consent for Removal Action (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 28 of the River Mile (RM) 10.9 Settlement Agreement.

(a) Actions which have been taken to comply with this Settlement Agreement during the month of June, 2013.

Meetings/Conference Calls

- On June 13, CPG and EPA held a teleconference to discuss EPA comments on the Perimeter Air Monitoring Plan (PAMP).
- On June 19, CPG and EPA held a teleconference to review the status of open design items, utility offsets and implementation schedule.
- On June 20, CPG participated in a pre-construction meeting run by CH2M-Hill with its subcontractors to review all parties' readiness to implement the Removal Action.
- On June 20, EPA and CPG representatives held a call to discuss the implications of the RM 10.9 Removal Action no-dredge zone established by the Jersey City Municipal Utilities Authority (JCMUA) for its underground water lines located in the RM 10.9 Removal Area on the RI/FS and FFS.
- On June 26, CPG held a teleconference with EPA to discuss the impact of the Bridge Street Bridge inoperability on the Removal Action schedule.

Correspondence

- On June 3, EPA asked for an update on the status of Acceptable Used Determination (AUD) and other environmental permit applications to NJDEP by Clean Earth and CPG.
- On June 3, CPG forwarded to EPA a memorandum from Dr. Danny Reible summarizing his review and support for the cap design contained in CPG's draft Final Design Report.

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- On June 3, EPA approved portions of the draft Final Design Report conditioned upon CPG incorporating responses to previously submitted design comments that would be acceptable to EPA. Not included in this approval were Sections 4.6 (Dredging Environmental Constraints), 7 (Capping) and 9 (Design and Preliminary Construction Schedule), nor any of the Appendices, nor anything related to the cap design, water quality monitoring plan, air monitoring plan, and long term maintenance and monitoring plan.
- On June 3, EPA confirmed that Dr. Reible's memo addressed EPA's concerns on the cap design. In the same correspondence, EPA requested that CPG add a requirement in the Final Design Report to sample and analyze RM 10.9 sediments in the Removal Area post-dredging and pre-cap placement.
- On June 3, CPG questioned EPA as to the value of doing additional sediment analysis in the Removal Area, and asked if EPA acceptance of Dr. Reible's analysis also satisfied NJDEP's previous questions.
- On June 3, CPG sent EPA a memo addressing several suggestions raised in EPA's 5/31 comments on the Water Quality Monitoring Plan (WQMP).
- On June 4, EPA indicated it was waiting for NJDEP's response to Dr. Reible's memo, and suggested that the purpose of the recommended post-dredge, pre-cap sampling would be to fill in perceived data gaps as to COPC concentrations adjacent to the cap.
- On June 4, CPG responded to EPA that existing sediment data in the RM 10.9 Removal Area already provides adequate information as to the characteristics of sediment that will underlie the cap.
- On June 5, EPA provided CPG with NJDEP's comments on the draft PAMP.
- On June 6, CPG questioned EPA's request for additional sediment sampling prior to placement of the reactive cap at RM 10.9 with a statement that Tierra did not appear to be required to perform sampling prior to placement of their non-reactive cap at the Phase 1 Lister Avenue site.
- On June 7, CPG notified EPA that it could not identify appropriate work for Superfund Job Training Initiative candidates on the Removal Action, and that its contractor Great Lakes Dredge and Dock (GLDD) was going to utilize an excavator with Tier 2 emission controls.
- On June 7, EPA notified CPG that while there may still be questions on the cap design from NJDEP, EPA was approving the active layer design so that the active layer material could be ordered.
- On June 10, JCMUA provided verbal authorization for CPG to place air quality monitors adjacent to its facility located in Riverside Park adjacent to the RM 10.9 Removal Area.
- On June 10, EPA discussed with CPG moving from July 9 to July 8 the press event they were originally planning to hold at the start of dredging.
- On June 10, CPG provided EPA its Response to Comments (RTCs) addressing EPA and NJDEP comments on the Final Design Report, a report on sequestration of mercury in a cap's active layer, and a notice of plans to begin implementing the Pre-Dredge Water Quality Monitoring Survey during the week of June 17.
- On June 11, CPG provided EPA its RTCs associated with EPA and NJDEP comments on the PAMP.
- On June 12, EPA acknowledged receipt of CPG's RTCs on the PAMP while submitting additional comments on the PAMP.

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- On June 12, EPA acknowledged receipt of CPG's RTCs on the PAMP while submitting additional comments on the PAMP.
- On June 12, EPA responded to CPG's June 3 water quality monitoring memo and provided additional questions about CPG's recommended WQMP approach.
- On June 12, CPG informed EPA of the specific start date for the Pre-Dredge Water Quality Monitoring Survey, supplied data from the first 10 days of continuous turbidity monitoring, addressed several of EPA's questions submitted earlier in the day on the WQMP, and requested a teleconference to understand other EPA's questions raised earlier in the day on the PAMP.
- On June 12, EPA provided CPG with clarification as to their expectations for transect sampling during implementation of the WQMP.
- On June 13, the operator of the DeJessa Avenue Bridge requested information from a CPG subcontractor about whose authorization the Removal Action was occurring under.
- On June 14, EPA provided CPG with additional comments and questions on the PAMP.
- On June 14, EPA asked to send observers for the pre-dredge water quality survey, and asked to arrange a meeting to discuss project organization and communication protocols.
- On June 14, EPA indicated to CPG that the responses to EPA comments on the Final Design which CPG submitted June 10 addressed most EPA concerns, though EPA listed several issues that would still need to be resolved.
- On June 17, CPG informed EPA of the expected water and air monitoring schedules, provided EPA contact information to participate in the upcoming water quality sampling, and suggested times to discuss project communications.
- On June 17, EPA requested that a meeting be set up for the week of June 24 to discuss project communications and give EPA a chance to discuss the project with CPG's subcontractors.
- On June 17, CPG's contractor discussed dredging offsets with JCMUA, and JCMUA agreed verbally to base the offset on the lines located by the magnetometer, not the as-built drawings.
- On June 18, CPG provided to JCMUA and EPA the results of the sonar and magnetometer survey that was conducted on May 27, showing the location of the Jersey City potable water supply pipes and the location of the no-dredge zone based on the 30 foot offset that JCMUA mandated.
- On June 19, the operator of the DeJessa Avenue Bridge was informed that the Removal Action was being performed by the CPG under the authorization of EPA.
- On June 20, EPA asked CPG to prepare a timeline and summary of its discussions with JCMUA regarding no-dredging offsets for the JCMUA waterlines and to discuss how to address this issue in the RI/FS and FFS..
- On June 20, EPA submitted additional comments to CPG on the cap design and recommended chemical monitoring be added to the Long Term Monitoring Plan.
- On the afternoon of June 21, CPG was informed by its contractor that the Bridge Street Bridge was not operational and was not anticipated to be operational until the week of July 22.
- On June 24, CPG notified EPA by telephone pursuant to the AOC that CPG and its contractors had been informed about the inoperability of the Bridge Street Bridge.

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- On June 26, CPG shared with EPA a daily status report on the pre-dredge water quality monitoring survey that included a report and photos of significant silt discharge downstream of the Route 3 bridge construction.
- On June 26, EPA requested that CPG investigate if there are diagnostic tools available to help determine if the Bridge Street Bridge has additional problems besides the two motors and gear box.
- On June 27, CPG provided EPA with a revised draft WQMP taking into account all EPA comments to date.
- On June 28, CPG submitted a Force Majeure letter to EPA pursuant to the AOC that due to damage to the Bridge Street Bridge caused by Hurricane Sandy, the RM 10.9 Removal Action would be delayed until the repairs are made by Hudson and Essex counties.
- On June 28, EPA indicated they were reviewing the CPG's Force Majeure letter and directed the CPG to develop contingency plans to deal with both the Bridge Street Bridge issue and other potential problems that may occur related to the need to open bridges during the Removal Action.

Work

- CPG worked with the Township of Lyndhurst and the Bergen County Parks Department to identify electricity supply points in the parks to support the air monitoring program.
- From June 18 – 28, CPG implemented the pre-dredge Water Quality survey.
- CPG replied to comments on its draft Final Design Report.
- CPG replied to comments on its draft WQMP.
- CPG held conversations with EPA on its draft PAMP, ordered equipment to implement the plan that EPA envisioned, and began to revise its draft PAMP.
- CPG requested operational plans from its subcontractors.
- CPG continued to work with Clean Earth, CPG's stabilization subcontractor, in support of their application for an Acceptable Use Determination (AUD) and revised Air Permit from NJDEP.
- CPG began revising the Chemical Water Column Monitoring Quality Assurance Project Plan (QAPP) to analyze 2 liter samples for analysis of TCDD and to create worksheets in support of the WQMP.
- Following the June 20 teleconference with EPA, CPG began to draft a letter regarding the RM 10.9 Removal Action no-dredge zone and the implications of no-dredge zones for the FFS and RI/FS.

(b) Results of Sampling and Tests

- On June 18, CPG provided EPA all of the turbidity data collected by the in-river monitoring buoys from June 1 – 15.

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(c) Work planned for the next two months with schedules relating to the overall project schedule for design completion and construction

- CPG will continue to respond to comments on the Final RM 10.9 Removal Action Design Report and submit a revised report when all RTCs have been approved or resolved.
- CPG will continue to respond to comments on the draft WQMP and implement the EPA-approved plan.
- CPG will respond to comments on the draft PAMP and implement the EPA-approved plan.
- CPG will submit to EPA construction plans from its dredging, treatment and disposal vendors.
- CPG will continue to respond to comments on the draft LTMMMP and submit a revised plan for final EPA-approval.
- CPG will report to EPA when Clean Earth receives from NJDEP a new air permit and AUD associated with handling RM 10.9 Removal Action sediment.
- CPG will continue discussions with Passaic River boat clubs, the Lyndhurst Fire Department and the Lyndhurst community regarding implementation of the Removal Action and minimization of impacts to the River.
- CPG will provide regular and as-needed updates to river users about barge movements and other important project milestones.
- CPG will place an order for capping materials.
- CPG will initiate all the activities required to commence dredging as soon as practical when the Bridge Street Bridge becomes operational, including preparation of equipment, mobilizing equipment to the site, setting up silt curtain and conducting a shakedown of the equipment in the Removal Area.
- CPG will, pending EPA's final authorization:
 - begin dredging operations
 - begin stabilization activities at the Clean Earth Kearny facility soon thereafter
 - transport decant water for treatment from the Clean Earth Kearny facility to the Clean Harbors Baltimore facility
 - transport and dispose of stabilized sediment in the Clean Harbors Waynoka OK landfill.
 - transport clean cap material by barge from South Amboy to the RM 10.9 area and begin laying the cap

(d) Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays

- There is still no resolution concerning the Tierra/Maxus/Occidental (TMO) UAO and their participation in the RM 10.9 Removal Action. As documented in CPG's correspondence of July 27, 2012 and September 7, 2012, the offer from TMO was inadequate and provided no meaningful value to the RM 10.9 Removal Action.
- In prior months, NJDEP questioned changes in flood potential associated with the RM 10.9 cap, as well as CPG's ability to manage re-suspension of sediment in accordance with NJ regulations. NJDEP has stated that it will not issue a final WDP equivalent until these questions are resolved. CPG utilized the EPA-approved Delft3D model for the RM10.9

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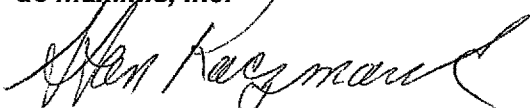
Removal Area and clearly demonstrated to the NJDEP that there will be no significant changes in RM 10.9 Removal Area surface roughness and that any change to surface roughness will have negligible impacts on upstream and downstream flood potential. CPG also provided NJDEP additional details on its marine contractor's planned silt curtain implementation and discussed how it will provide satisfactory controls on re-suspension. Because there have been no questions from NJDEP on these matters since CPG's May 22 submittal, and because by the end of June more than the 20 business days that NJDEP indicated was necessary to review those submittals has passed, CPG believes that the provided information fulfilled most conditions for approval raised by NJDEP. The last condition stated by NJDEP for approval of the Waterfront Development Permit equivalent is EPA approval of the Final Design Report.

- The inoperability of the Bridge Street Bridge due to Hurricane Sandy damage has delayed the start of the Removal Action because equipment cannot be mobilized up river until that bridge is operational. Hudson and Essex Counties who jointly operate this bridge indicated that a rebuilt motor would be delivered the week of July 8 and the bridge would be made operational the week of July 22. CPG informed EPA of a Force Majeure condition by phone on June 24 and in writing on June 28 as required by the AOC. The CPG continues to monitor this situation, and will inform EPA as new information becomes available or the situation changes.

If you have any questions, please contact Bill Potter, Rob Law or me at (908) 735-9315.

Very truly yours,

de maximis, inc.



Stan Kaczmarek, PE

RM 10.9 Removal Action Project Coordinator

cc: Pat Hick, EPA Office of Regional Counsel
William Hyatt, CPG Coordinating Counsel
Jay Nickerson, NJDEP
Roger McCready, CH2M Hill